70-47

Supreme Court, U.S.
FILED
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E. ROBERT SEAVER, CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1970

NO. [redacted] 70-47

FLORENCE DIFFENDERFER and NISHAN PAUL,

Appellants,

vs.

CENTRAL BAPTIST CHURCH OF MIAMI, FLORIDA, INCORPORATED, a nonprofit Florida Corporation; DADE COUNTY, FLORIDA, a political subdivision of the State of Florida; PORTER W. HOMER, County Manager; R. K. OVERSTREET, Tax Collector of Metropolitan Dade County, Florida; and FRED O. DICKINSON, JR., as Comptroller of the State of Florida,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

SUGGESTION BY THE ATTORNEY GENERAL, STATE OF FLORIDA, FOR JUDICIAL NOTICE

ROBERT L. SHEVIN
ATTORNEY GENERAL
THE CAPITOL
TALLAHASSEE, FLORIDA

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1970

NO. 1,042

FLORENCE DIFFENDERFER and NISHAN PAUL,

Appellants,

vs.

CENTRAL BAPTIST CHURCH OF MIAMI, FLORIDA, INCORPORATED, a nonprofit Florida Corporation; DADE COUNTY, FLORIDA, a political subdivision of the State of Florida; PORTER W. HOMER, County Manager; R. K. OVERSTREET, Tax Collector of Metropolitan Dade County, Florida; and FRED O. DICKINSON, JR., as Comptroller of the State of Florida,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

SUGGESTION BY THE ATTORNEY GENERAL, STATE OF FLORIDA, FOR JUDICIAL NOTICE

The undersigned, as Attorney General for the State of Florida, respectfully suggests to the Court that it may take judicial notice of Chapter 71-133, Laws of Florida, General Acts of 1971, attached as Exhibit "A" to this Suggestion, as a revision and recodification of the property tax exemption laws of Florida. Section 15 of Chapter 71-133 repeals the statute in controversy in the case now before the Court, former Section 192.06, Florida Statutes 1967, renumbered Section 196.191, Florida Statutes 1969, by Chapter 69-55, Laws of Florida, General Acts of 1969.

Sections 1, 3 and 5 of Chapter 71-133, Laws of Florida, pages 1, 4 and 5 of Exhibit "A" attached hereto, substitute the following new provisions of law to governing all future tax exemptions in the factual situation before the court in this case:

> "196.012 Definitions.--For the purpose of this chapter the following terms are defined as follows except where the context clearly indicates otherwise:
>
> "(1) Exempt use of property means predominant or exclusive use of property for educational, literary, scientific, religious, charitable or governmental use as defined in this act.
>
> "(2) Exclusive use of property means property that is used one hundred percent (100%) for exempt purposes. Such purposes may include more than one class of exempt use.

"(3) Predominant use of property means property used for exempt purposes in excess of fifty percent (50%) but less than exclusive."

"196.192 Exemptions from ad valorem taxation.--

"(1) All property used exclusively for exempt purposes shall be totally exempt from ad valorem taxation.

"(2) All property used predominantly for exempt purposes shall be exempted from ad valorem taxation to the extent of the ratio that such predominant use bears to the non-exempt use."

"196.193 Exemption applications; review by the assessor.--

"(1)(a) All property exempted from the annual application requirement of §196.011, Florida Statutes, shall be returned, but shall be granted tax exemption by the tax assessor; provided that no such property shall be exempt which is rented or hired out for other than religious or educational or other exempt purposes at any time.

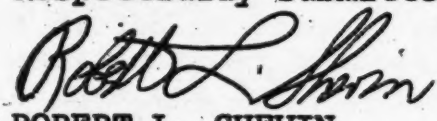
"(b) The tax assessor may deny exemption to property claimed by religious organizations to be used for any of the purposes set out in §196.011, Florida Statutes, if the use is not clear or if the tax assessor determines that the property is being held for speculative purposes or that it is being rented or hired out for other than religious or educational purposes."

The existence and effect of the repealer above noted, together with the revised provisions of the exemption statutes, would appear to be a proper subject for judicial notice in the context of the proceeding before the Court. These legislative redefinitions of standards of predominant and exclusive use would, in the case of future exemptions, clearly alter and supersede the Florida statutory and decisional law which the Court in this case is called upon to invalidate under constitutional doctrines, and would accordingly render a decision substantially inapplicable to the future administration of Florida law in this area. Cf. Bryan v. Austin (1957), 354 US 933, 1 L ed 2d 1527, 77 S Ct 1396; 5 Am. Jur. 2d 205, App. & Error Sec. 763. Further, because of the facts presented in this case involving affirmative action in favor of exemption for the taxpayer as to taxes for the current and previous years, a decision by the Court may be without practical effect because of the inapplicability of back-assessment procedures under Florida statutes governing back-assessments, construed by the Florida Supreme Court to be inapplicable because of estoppel in such circumstances. City of Naples v. Conboy, Fla. 1966, 182 So.2d 412, cases cited at page 418.

The foregoing summary and attached exhibit is therefore presented to facilitate

the Court's consideration and disposition of the issues.

Respectfully submitted,



ROBERT L. SHEVIN
Attorney General
State of Florida
The Capitol
Tallahassee, Florida 32304

PROOF OF SERVICE

I, Winifred L. Wentworth, Assistant Attorney General of the State of Florida, hereby certify that I am a member of the Bar of the Supreme Court of the United States, and that on the 20th day of October, 1971, I served copies of the foregoing Suggestion by the Attorney General, State of Florida, For Judicial Notice, on each of the parties by depositing such copies in a United States Post Office, addressed as follows: HERBERT J. SAWYER, ESQ., c/o MERSHON, SAWYER, JOHNSTON, DUNWODY & COLE, Attorneys for Appellee Central Baptist Church of Miami, Florida, Incorporated, 1600 First National Bank Building, Miami, Florida 33131; HOWARD J. HOLLANDER, ESQ., BERNARD C. PESTCOE, ESQ., and RICHARD FEDER, ESQ., Attorneys for Appellants, c/o American Civil Liberties Union, 708 City National Bank Building, Miami, Florida 33130; and THOMAS C. BRITTON, ESQ., Attention ST. JULIEN P. ROSEMOND, ESQ., Dade County Attorney, 1626 Dade County Courthouse, Miami, Florida 33130.

ROBERT L. SHEVIN
ATTORNEY GENERAL

Winifred L. Wentworth
Assistant Attorney General

The Capitol
Tallahassee, Florida 32304

EXHIBIT "A"

CHAPTER 71-133

Senate Committee Substitute for House Bill No. 753

AN ACT relating to ad valorem taxation and exemptions therefrom; amending chapter 196, Florida Statutes, by adding new sections, by amending section 196.011, Florida Statutes, and by repealing sections 196.191, 196.201, 196.211, 196.22, 196.25, 196.275 and 196.30, Florida Statutes; repealing all exemptions granted by special or local acts or general acts of local application; providing definitions; establishing procedures and criteria for granting exemptions; providing for the approval of exemptions by tax assessors and the review of determinations by the boards of tax adjustment; providing for the exemption of certain property used exclusively or predominantly for literary, scientific, religious, educational, and governmental purposes; excluding certain leasehold interests from exemption; providing an exemption for property owned by widows, totally and permanently disabled persons, and blind persons; amending chapter 192 by providing for the taxation of nonexempt properties; providing a severability clause; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapter 196, Florida Statutes, is amended by adding a new section to read:

196.012 Definitions.—For the purpose of this chapter the following terms are defined as follows except where the context clearly indicates otherwise:

(1) Exempt use of property means predominant or exclusive use of property for educational, literary, scientific, religious, charitable or governmental use as defined in this act.

(2) Exclusive use of property means property that is used one hundred percent (100%) for exempt purposes. Such purposes may include more than one class of exempt use.

(3) Predominant use of property means property used for exempt purposes in excess of fifty percent (50%) but less than exclusive.

(4) Educational institutions means state, parochial, church, and private schools, colleges and universities conducting regular classes and courses of study required for eligibility to certifica-

CODING: Words in ~~struck through~~ type are deletions from existing law; words in *italics* are additions.

tion by, accreditation to, or membership in the state department of education of Florida, southern association of colleges and secondary schools or the Florida council of independent schools.

(5) Governmental, municipal or public purpose or function shall be deemed to be served or performed when the lessee under any leasehold interest created in property of the United States, the State of Florida or any of its political subdivisions, or any municipality, agency, authority or other public body corporate of the state is demonstrated to perform a function or serve a governmental purpose which could properly be performed or served by an appropriate governmental unit, or which is demonstrated to perform a function or serve a purpose which would otherwise be a valid subject for the allocation of public funds. The term "governmental purpose" shall include a direct use of property on federal lands in connection with the federal government's space exploration program. Real property and tangible personal property owned by the federal government and used for defense and space exploration purposes or which is put to a use in support thereof shall be deemed to perform an essential national governmental purpose and shall be exempt.

(6) Charitable purpose means a function or service which is of such a community service that its discontinuance could result in the allocation of public funds for the continuance of the function or service.

(7) Hospitals means institutions which possess a valid license granted under chapter 395, Florida Statutes, on January 1 of the year for which exemption from ad valorem taxation is requested.

(8) Nursing homes, homes for special services and homes for the aged mean institutions which possess a valid license under chapter 400, Florida Statutes, on January 1 of the year for which exemption from ad valorem taxation is requested.

(9) Gross income means all income from whatever source derived including but not limited to the following items, whether actually owned by, or received by, or not received by but available to any person or couple; earned income, income from investments, gains derived from dealings in property, interest, rents, royalties, dividends, annuities, income from retirement plans, pensions, trusts, estates and inheritances, direct and indirect gifts, social security benefits, public assistance payments pay-

able to the person or assigned to an organization designated specifically for the support or benefit of that person. Gross income specifically shall not include payments made for the medical care of the individual or return of principal on the sale of a home.

(10) Totally and permanently disabled persons means those persons who are currently certified by the Florida department of health and rehabilitative services or the federal social security administration or veterans' administration to be totally and permanently disabled.

(11) Couple means a husband and wife legally married under the laws of any state or territorial possession of the United States of America, or of any foreign country.

Section 2. Section 196.081, Florida Statutes, is amended to read:

196.081 Exemption for *certain permanently and totally* disabled veterans ~~known as paraplegics.~~—

(1) Any real estate used and owned as a homestead by an ex-serviceman, honorably discharged with service connected *total and permanent* disability and who has a ~~certificate~~ *letter* from the *United States* government or United States veterans' administration, or its successors, certifying that the ex-serviceman is ~~receiving or has received special pecuniary assistance due to disability requiring specially adapted housing and classed as a paraplegic.~~ *totally and permanently disabled due to total blindness, or from the amputation of both arms or both legs, or both hands or both feet, or the combination of a hand and a foot, or from paraplegia, osteochondritis resulting in permanent loss of the use of both legs, or permanent paralysis of both legs and lower parts of the body, or from hemiplegia, or has permanent paralysis of one leg and one arm on either side of the body, resulting from injury to the spinal cord, skeletal structure, or brain, or from disease of the spinal cord not resulting from any form of syphilis,* shall be exempt from taxation.

(2) The production by an ex-serviceman of a ~~certificate~~ *letter* of *total and permanent* disability from the United States government or United States veterans' administration before the tax assessor of the county wherein ~~his~~ *said ex-serviceman's* property lies, shall be prima facie evidence of the fact that he is entitled to such ~~exemptions~~ *exemption.*

(3) In the event the homestead of *the totally and permanently disabled* veteran ~~paraplegic was or~~ is held with the veteran's wife as an estate by the entirety, and in the event the veteran ~~did or shall predecease~~ *predeceases* his wife, the exemption from taxation shall carry over to the benefit of the veteran's wife, provided, however, that she ~~continue~~ *continues* to reside on said real estate and use it as her domicile or until such time as she ~~shall remarry~~ *remarries* or sells or otherwise disposes of the property.

Section 3. Chapter 196, Florida Statutes, is amended by adding a new section to read:

196.192 Exemptions from ad valorem taxation.—

(1) All property used exclusively for exempt purposes shall be totally exempt from ad valorem taxation.

(2) All property used predominantly for exempt purposes shall be exempted from ad valorem taxation to the extent of the ratio that such predominant use bears to the non-exempt use.

Section 4. Section 196.011, Florida Statutes, is amended to read:

196.011 Annual application required for exemption.—Every person or organization who has the legal title to real or personal property which is entitled by law to exemption from taxation as a result of its ownership and use, ~~except property owned and used exclusively for governmental purposes or religious purposes,~~ shall before April 1 of each year file an application for exemption with the county tax assessor listing and describing the property for which exemption is claimed and certifying its ownership and use. The department of revenue shall prescribe the forms upon which the application is made. *It shall not be necessary to make annual application for exemption on houses of public worship, the lots on which they are located, personal property located therein or thereon, every parsonage, house of public worship owned burial grounds and tombs, and other such property not rented or hired out for other than religious or educational purposes at any time. Failure to make application, where required by April 1 of any year, shall constitute a waiver of the exemption privilege for that year.*

Section 5. Chapter 196, Florida Statutes, is amended by adding a new section to read:

196.193 Exemption applications; review by the assessor.—

(1)(a) All property exempted from the annual application requirement of §196.011, Florida Statutes, shall be returned, but shall be granted tax exemption by the tax assessor; provided that no such property shall be exempt which is rented or hired out for other than religious or educational or other exempt purposes at any time.

(b) The tax assessor may deny exemption to property claimed by religious organizations to be used for any of the purposes set out in §196.011, Florida Statutes, if the use is not clear or if the tax assessor determines that the property is being held for speculative purposes or that it is being rented or hired out for other than religious or educational purposes.

(c) If the tax assessor does deny such property a tax exemption, appeal of the determination to the board of tax adjustment may be made in the manner prescribed for appealed tax exemptions.

(2) Applications required by this act shall be filed on forms distributed to the tax assessors by the department of revenue. Such forms shall call for accurate description of the property, the value of such property, and the use of such property.

(3) Upon receipt of an application for exemption the tax assessor shall determine:

(a) Whether the applicant falls within the definition of any one or several of the exempt classifications.

(b) Whether the applicant requesting exemption uses the property predominantly or exclusively for exempt purposes.

(c) The extent to which the property is used for exempt purposes. In doing so, the tax assessor shall use the standards set forth in this chapter as applied by regulations of the department of revenue.

(d) The tax assessor shall find that the person or organization requesting exemption meets the requirements set forth in paragraphs (a) and (b) of subsection (3) of §196.193, Florida Statutes, before any exemption can be granted.

(4) In the event the tax assessor shall determine that any property claimed as wholly or partially exempt under this sec-

tion is not entitled to any exemption or to an extent other than that requested in the application, he shall notify the person or organization filing the application on such property, of that determination in writing, not later than June 1 of the year for which the application was filed. All notifications must specify the right to appeal to the board of tax adjustment and the procedures to follow in obtaining such an appeal. Thereafter, the person or organization filing such application, or a duly designated representative, may appeal that determination by the tax assessor to the board of tax adjustment at the time of its regular hearing. In the event of an appeal the assessor or his representative shall appear at the board hearing and present his findings of fact. If the applicant is not present or represented at the hearing the board may make a determination on the basis of information supplied by the tax assessor or such other information on file with the board.

Section 6. Chapter 196, Florida Statutes, is amended by adding a new section to read:

196.194 Board of tax adjustment; notice; hearings; appearance before the board.—

(1) The board of tax adjustment shall hear disputed or appealed applications for exemption, and shall grant such exemptions in whole or in part, in accordance with criteria set forth in this act, and may review exemptions on its own motion or upon motion of the tax assessor. Review of an exemption application upon motion of the board of the tax adjustment shall not be held until the applicant has had at least five (5) calendar days notice of the board's intent to review the application.

(2) At least two (2) weeks prior to the meeting of the board of tax adjustment (but no sooner than May 15), notice of the meeting shall be published in a newspaper of general circulation within the county, or if no such newspaper is published within the county, notice shall be placed on the courthouse door and two (2) other prominent places within the county. Such notice shall list:

(a) Applicants for exemption under chapter 196, Florida Statutes, that have had their application wholly or partially approved by the tax assessor with the street address, or if no

street address is available another designation of location, of the property granted the exemption, its assessed value, and the extent of the exemption granted;

(b) Applicants for exemption under this chapter that have had their applications denied by the tax assessor with the street address, or if no street address is available another designation of location, of the property so denied and its assessed value.

(3) The exemption procedures of the board of tax adjustment shall be as provided in chapter 194, Florida Statutes, except as otherwise provided in this chapter. Records of the board of tax adjustment showing the names of persons and organizations granted exemptions, the street address or other designation of location of the exempted property and the extent of the exemption granted shall be part of the public record.

Section 7. Chapter 196, Florida Statutes, is amended by adding a new section to read:

196.195 Criteria for determining profit or nonprofit status of an applicant.—

(1) Applicants requesting exemption shall supply such fiscal and other records showing in reasonable detail the financial condition, record of operation, and exempt and nonexempt uses of the property where appropriate, for the immediately preceding fiscal year as might be requested by the tax assessor or the board of tax adjustment.

(2) In determining whether an applicant for a religious, literary, scientific or charitable exemption under this act is a nonprofit or profit making venture or whether the property is used for a profit making purpose, the following criteria shall be applied:

(a) The reasonableness of any advances or payment directly or indirectly by way of salary, fee, loan, gift, bonus, gratuity, drawing account, commission, or otherwise (except for reimbursements of advances for reasonable out-of-pocket expenses incurred on behalf of the applicant) to any person, company or other entity directly or indirectly controlled by the applicant, or any officer, director, trustee, member or stockholder of the applicant;

(b) The reasonableness of any guaranty of a loan to or an obligation of any officer, director, trustee, member, or stockholder of the applicant or any entity directly or indirectly con-

trolled by such person, or which pays any compensation to its officers, directors, trustees, members or stockholders for services rendered to or on behalf of the applicant;

(c) The reasonableness of any contractual arrangement by the applicant, any officer, director, trustee, member, or stockholder of the applicant regarding rendition of services, the provision of goods or supplies, the management of the applicant, the construction or renovation of the property of the applicant, the procurement of the real, personal, or intangible property of the applicant, or other similar financial interest in the affairs of the applicant;

(d) The reasonableness of payments made for salaries for the operation of the applicant or for services, supplies and materials used by the applicant reserves for repair, replacement and depreciation of the property of the applicant, payment of mortgages, liens, and incumbrances upon the property of the applicant, or other purposes;

(e) The reasonableness of charges made by the applicant for any services rendered by it in relation to the value of those services;

(f) Each applicant must affirmatively show that no part of the subject property, or the proceeds of the sale, lease, or other disposition thereof, will inure to the benefit of the members, directors, officers, or any person or firm operating for profit or for a nonexempt purpose.

(3) No application for exemption may be granted for religious, literary, scientific, or charitable use of property until the applicant has been found by the tax assessor, or upon appeal by the board of tax adjustment, to be nonprofit as defined in this section.

Section 8. Chapter 196, Florida Statutes, is amended by adding a new section to read:

196.196 Criteria for determining that portion of charitable, religious, scientific or literary property entitled to exempt status.—In the determination of whether an applicant is actually using all or a portion of its property predominantly for a charitable, religious, scientific or literary purpose, the following criteria shall be applied:

(1) The nature and extent of the charitable, religious, scientific or literary activity of the applicant, a comparison of such activities with all other activities of the organization, and the utilization of the property for charitable, religious, scientific or literary activities as compared with other uses.

(2) The extent to which the property has been made available to groups who perform exempt purposes, at a charge that is equal to or less than the cost of providing the facilities for their use, or the extent to which services are provided to persons at a charge that is equal or less than the cost of providing such services. Such rental or service shall be considered as part of the exempt purposes of the applicant. Only those portions of property used predominantly for charitable, religious, scientific or literary purposes shall be exempt. In no event shall an incidental use of property either qualify such property for an exemption or impair the exemption of an otherwise exempt property.

(3) Except as otherwise provided herein, property claimed as exempt for literary, scientific, or charitable purposes which is used for profit making purposes shall be subject to ad valorem taxation. Use of property for functions not requiring a business or occupational license conducted by the organization at its primary residence the revenue of which is used wholly for exempt purposes shall not be considered profit making. In this connection the playing of bingo on such property shall not be considered as using such property in such a manner as would impair its exempt status.

Section 9. Chapter 196, Florida Statutes, is amended by adding a new section to read:

196.197 Additional provisions for exempting property used by hospitals, nursing homes, homes for special services, and homes for the aged.—In addition to criteria for granting exemptions for charitable use of property set forth in other sections of this act, hospitals, nursing homes, homes for special services and homes for the aged shall meet the following criteria:

(1) Homes for the aged shall be exempt only to the extent of residency in the applicant home which is actually restricted to:

(a) Persons having a gross income of not more than five thousand dollars ($5,000) per year who are sixty-two (62) years of age or older; or

(b) Couples, one of whom must be sixty-two (62) years of age or older, having a combined gross income of not more than six thousand dollars ($6,000) per year; or

(c) Persons who are totally and permanently disabled and have gross incomes of not more than five thousand dollars ($5,000) per year; or

(d) Couples, one or both of whom are totally and permanently disabled, having a combined gross income of not more than six thousand dollars ($6,000) per year.

(e) The foregoing maximum income limitations applicable to residents of homes for the aged shall be adjusted to conform to any increase in maximum income restrictions established by the United States Department of Housing and Urban Development for housing facilities for the lower income elderly financed under section 202 or 236 of the National Housing Act, or of corresponding sections of any subsequently enacted National Housing Act.

(2) Property of homes for the aged applicants shall be used in accordance with the residence restrictions as set forth in subsection (1) of this section. Those portions of such property failing to meet this requirement shall not qualify for an exemption.

(3) The extent of exemption of property of homes for the aged found to be used predominantly for exempt purposes, shall be made by dividing the total number of rental units and apartments meeting all requirements for exemption set forth in this chapter by the total number of rental units and apartments in the home. This ratio shall be the extent of exemption granted to that portion of the home's property essential to the operation and purposes of the exempt portions of the home.

(4) To the exemption granted under this subsection for the years 1972-73 shall be added the value of the property used as a residence by persons or couples not meeting the exemption requirements of this act, but whose residence agreements contain

a provision preventing the home from increasing the monthly residence charge for the payment of ad valorem taxes and which agreements were in effect on June 1, 1971.

(5) The applicant shall be a Florida corporation, not for profit, that shall have been exempt as of January 1 of the year for which exemption from ad valorem property taxes is requested from federal income taxation by qualifying as an exempt organization under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954 or of corresponding section of a subsequently enacted federal revenue act.

(6) In determining the extent of exemption to be granted to institutions licensed as hospitals, portions of the property leased as parking lots or parking garages operated by private enterprise, and property used for the treatment of private outpatients shall not be deemed to be serving an exempt purpose and shall not be exempt from taxation. Hospital emergency rooms, hospital clinical facilities, and other hospital property or facilities which are leased to a nonprofit corporation which provides direct services to patients in a nonprofit or public hospital and qualifies under section 8(4) of this act are excluded and shall be exempt from taxation.

(7) Licensing by the division of health of the department of health and rehabilitative services shall not be required for tax exemption hereunder if a home for the aged applicant requires its residents to be ambulatory, furnishes no medical facilities, nursing services, or dining services to its residents, and has been as of January 1, 1970, exempt from the payment of income taxes to the United States for income derived from the operation of such home for not less than twenty (20) years.

Section 10. Educational property.—Chapter 196, Florida Statutes, is amended by the addition of a new section to read:

196.198 Educational property.—Educational institutions within this state and their property used exclusively for educational purposes shall be exempt from taxation. Sheltered workshops providing rehabilitation and retraining of disabled individuals and exempted by a certificate under section (d) of the Federal Fair Labor Standards Act of 1938, as amended, are declared wholly educational in purpose and shall be exempted from certification, accreditation and membership requirements set forth in §196.012, Florida Statutes. Those portions of property of college fraternities and sororities certified by the pres-

ident of the college or university to the appropriate tax assessor as being essential to the educational process, shall be exempt from ad valorem taxation. The use of property by public fairs and expositions chartered by chapter 616, Florida Statutes, is presumed to be an educational use of such property and shall be exempt from ad valorem taxation to the extent of such use.

Section 11. Chapter 196, Florida Statutes, is amended by the addition of a new section to read:

196.199 Exemptions for property owned by governmental units.—

(1) Property owned and used by the following governmental units shall be exempt from taxation under the following conditions:

(a) All property of the United States shall be exempt from ad valorem taxation, except such property as is subject to tax by this state or any political subdivision thereof or any municipality under any law of the United States.

(b) All property of this state which is used for governmental purposes shall be exempt from ad valorem taxation except as otherwise provided by law.

(c) All property of the several political subdivisions and municipalities of this state which is used for governmental, municipal, or public purposes shall be exempt from ad valorem taxation, except as otherwise provided by law.

(2) Property owned by the following governmental units but used by nongovernmental lessees shall only be exempt from taxation under the following conditions:

(a) Leasehold interests in property of the United States, of the state or any of its several political subdivisions, or of municipalities, agencies, authorities and other public bodies corporate of the state shall be exempt from ad valorem taxation only when the lessee serves or performs a governmental, municipal or public purpose or function, as defined in §196.012(5). In all such cases, all other interests in the leased property shall also be exempt from ad valorem taxation.

(b) Any governmental property leased to an organization which uses the property exclusively for literary, scientific, religious, or charitable purposes shall be exempt from taxation.

(c) Nothing herein or in §192.010, Florida Statutes, shall require a governmental unit or authority to impose taxes upon a leasehold estate created prior to the effective date of this act if the lease agreement creating such leasehold estate contains a covenant on the part of such governmental unit or authority as lessor to refrain from imposing taxes on the leasehold estate during the term of the leasehold estate, but any such covenant shall not prevent taxation of a leasehold estate by any taxing unit or authority other than the unit or authority making such covenant.

(3) Property owned by the United States, by the State of Florida, or by any political subdivision, municipality, agency, authority or other public body corporate of the state which becomes subject to a leasehold interest of a nongovernmental lessee other than that described in subsection (2)(a) above on or after June 1, 1971, and the leasehold interest of such a lessee, shall be subject to ad valorem taxation unless the lessee is an organization which uses the property exclusively for literary, scientific, religious or charitable purposes.

(4) No exemption granted before June 1, 1971 shall be revoked by this act if such revocation will impair any existing bond agreement.

(5) Property which is originally leased for 99 years or more, exclusive of renewal options, shall be deemed to be "owned" for purposes of this section 196.199.

(6) Nonpayment of taxes.—

(a) Any and all of the aforesaid taxes on any leasehold described in this section shall not become a lien on same or the property itself, but shall constitute a debt due and shall be recoverable by legal action or by the issuance of tax executions that shall become liens upon any other property in any county of this state of the taxpayer who owes said tax.

(b) Nonpayment of any such taxes by the lessee shall result in the revocation of any occupational license of such person or the revocation, upon certification hereunder by the tax assessor to the secretary of state, of the corporate charter of any such domestic corporation or the revocation, upon certification hereunder by the tax assessor to the secretary of state, of

the authority of any foreign corporation to do business in Florida, as appropriate, which such license, charter or authority is related to the leased property.

Section 12. Chapter 196, Florida Statutes, is amended by adding a new section to read:

196.202 Property of widows, blind persons, and persons totally and permanently disabled.—Property to the value of five hundred dollars ($500) of every widow, blind person, or totally and permanently disabled person who is a bona fide resident of this state shall be exempt from taxation.

Section 13. If any section, subsection, paragraph, or other provision of this act, or its application to any person or circumstance shall be held invalid or unconstitutional, such holding shall not affect the validity of any other section, subsection, paragraph, or other provision, or its application to other persons or circumstances. The legislature hereby expresses the intent that it would have enacted the other provisions of this act as if the invalid or unconstitutional provision was not contained within the act.

Section 14. All special and local acts or general acts of local application granting specific exemption from property taxation are hereby repealed to the extent that such exemption is granted provided, however, that in Broward County the tax assessor of said county is hereby authorized to make an exception to the provisions of section 192.042, Florida Statutes, requiring that property be assessed on January 1st of each year by exempting from the provisions of the general law the assessment of taxes for the year 1971 on property purchased by any non-profit religious corporation within thirty days after January 1, 1971.

Section 15. Sections 196.191, 196.201, 196.211, 196.22, 196.25, 196.275 and 196.30, Florida Statutes, are hereby repealed.

Section 16. Chapter 192, Florida Statutes, is amended by adding a new section to read:

192.010 Property subject to taxation.—Unless expressly exempted from taxation, the following property shall be subject to taxation in the manner provided by law:

(1) All real and personal property in this state, and all personal property belonging to persons residing in this state; and

(2) All leasehold interests in property of the United States, of the State of Florida, or any political subdivision, municipality, agency, authority or other public body corporate of the state.

Section 17. This act shall take effect December 31, 1971.

Approved by the Governor June 15, 1971,

Filed in Office Secretary of State June 16, 1971.